

## IN THE CLAIMS

Please amend the claims to read as follows:

### Listing of Claims

1-27. (Canceled).

28. (Previously Presented) A method for transmitting uplink data packets via an uplink data channel to a base station in a mobile wireless communication system comprising a mobile station and the base station using a hybrid automatic repeat request (HARQ) retransmission protocol applying soft combining of data packets and applying synchronous retransmissions, the method comprising the following steps performed by the mobile station:

transmitting a data packet to the base station via the uplink data channel,  
receiving a feedback message from the base station, wherein the feedback message indicates that the data packet has not been successfully decoded by the base station, and  
determining whether the transmission power required for synchronously transmitting a retransmission data packet for the unsuccessfully decoded data packet at a predetermined point in time after having received the feedback message and for transmitting other uplink data within the same transmission time interval is lower than a maximum allowed transmission that the mobile station is allowed to utilize for transmitting uplink data, wherein the other uplink data is prioritized over the retransmission data packet; and

synchronously transmitting the retransmission data packet at the predetermined point in time and transmitting the other data using the maximum allowed transmission power, if the required transmission power is larger than the maximum allowed transmission power.

29. (Previously Presented) The method according to claim 28, wherein the retransmission data packet is transmitted at a transmission power lower than required for its transport format.

30. (Previously Presented) The method according to claim 28, further comprising the step of decreasing the gain factor of a physical channel to be used for transmitting the retransmission data packet, at the predetermined point in time after having received the feedback message, if the transmission power required for transmitting the retransmission data packet at the predetermined point in time and the other data within the same transmission time interval exceeds the maximum transmission power the user equipment is allowed to utilize for uplink data transmission.

31. (Previously Presented) The method according to claim 30, wherein in the step of transmitting the retransmission data packet at the predetermined point in time after having received the feedback message, the retransmission data packet is transmitted via the physical channel using the decreased gain factor.

32. (Previously Presented) The method according to claim 31, wherein the decreased gain factor reduces the transmission power for transmitting the retransmission data packet to a value such that the total transmission power required for the transmission of the retransmission data packet and the transmission power required for transmitting the other uplink data is equal to the maximum allowed transmission power the mobile station is allowed to utilize for uplink data transmission.

33. (Previously Presented) The method according to claim 30, wherein the decreased gain factor is determined by the physical layer.

34. (Previously Presented) The method according to claim 28, further comprising:  
performing a transport format combination selection for the transmission of uplink data by the MAC-d entity of the mobile station and  
subsequently performing a transport format combination selection for the transmission of uplink data packets on the uplink data channel by the MAC-e entity of the mobile station.

35. (Previously Presented) The method according to claim 34, wherein the transport format combination selection by the MAC-e entity considers a remaining transmission power the mobile station is allowed to use in a transmission time interval, wherein the remaining transmission power is the transmission power remaining after performing the transport format combination selection by the MAC-d entity.

36. (Previously Presented) The method according to claim 34, wherein the transport format combination selection in the MAC-e entity is done in accordance with the logical channel priorities indicated by radio resource control (RRC) signaling.

37. (Previously Presented) The method according to claim 28, wherein the retransmission data packet is transmitted at the beginning of a transmission time interval.

Claims 38-39 (Cancelled).

40. (Previously Presented) The method according to claim 28, wherein data transmission is carried out on an enhanced uplink dedicated transport channel (E-DCH).

41. (Currently Amended) A mobile station for transmitting data packets via an uplink data channel to a base station in a mobile wireless communication system comprising the mobile station and the base station, the mobile station comprising:

a transmitter that transmits ~~operable to transmit~~ a data packet to the base station via the uplink data channel using a hybrid automatic repeat request (HARQ) retransmission protocol providing soft combining of data packets and synchronous retransmissions,

a receiver that receives ~~operable to receive~~ a HARQ feedback message from the base station, wherein the feedback message indicates that the data packet has not been successfully decoded by the base station, and

a processing unit ~~that determines~~ ~~operable to determine~~ whether the transmission power required for synchronously transmitting a retransmission data packet, for the unsuccessfully decoded data packet, at a predetermined point in time after having received the feedback message and for transmitting other uplink data within the same transmission time interval is lower than a maximum allowed transmission power the mobile station is allowed to utilize for transmitting uplink data, wherein:

the other uplink data is prioritized over the retransmission data packet, and

~~wherein~~ the transmitter of the mobile terminal ~~is operable to~~ synchronously transmits ~~transmit~~ the retransmission data packet at the predetermined point in time after having received the feedback message and transmits ~~to transmit~~ the other uplink data to the base station using the maximum allowed transmission power, if the required transmission power is larger than the maximum allowed transmission power.

42. (Currently Amended) The mobile station according to claim 41, wherein the transmitter transmits ~~is operable to transmit~~ the retransmission data packet at a transmission power lower than required for its transport format.

43. (Currently Amended) The mobile station according to claim 41, wherein the transmitter of the mobile station decreases ~~is operable to decrease~~ a gain factor of a physical channel to be used for synchronously transmitting the retransmission data packet, at the predetermined point in time after having received the feedback message, if the transmission power required for transmitting the retransmission data packet at the predetermined point in time

after having received the feedback message and the other uplink data within the same transmission time interval exceeds the maximum allowed transmission power the mobile station is allowed to utilize for uplink data transmission.

44. (Currently Amended) The mobile station according to claim 43, wherein the transmitter transmits ~~is operable to transmit~~ the retransmission data packet at the predetermined point in time after having received the feedback message via the physical channel applying the decreased gain factor.

45. (Currently Amended) The mobile station according to claim 44, wherein by applying the decreased gain factor, the transmitter reduces ~~is reducing~~ the transmission power for transmitting the retransmission data packet to a value such that the total transmission power required for transmitting the retransmission data packet and for transmitting the other uplink data is equal to the maximum allowed transmission power the mobile station is allowed to utilize for uplink data transmission.

46. (Previously Presented) The mobile station according to claim 43, wherein the decreased gain factor is determined by the physical layer of the mobile station.

47. (Currently Amended) The mobile station according to claim 41, further comprising:  
a MAC-d entity that performs ~~operable to perform~~ a transport format combination selection for the transmission of uplink data, and

a MAC-e entity that subsequently performs ~~operable to subsequently perform~~ a transport format combination selection for the transmission of uplink data packets on the uplink data channel.

48. (Currently Amended) The mobile station according to claim 47, wherein the MAC-e entity considers ~~is operable to consider~~, when performing the transport format combination selection, the remaining transmission power the mobile station is allowed to use in a transmission time interval, wherein the remaining transmission power is the transmission power remaining after performing the transport format combination selection by the MAC-d entity.

49. (Currently Amended) The mobile station according to claim 47, wherein the MAC-e entity performs ~~is adapted to perform~~ the transport format combination selection in accordance with logical channel priorities indicated by radio resource control (RRC) signaling.

50. (Currently Amended) The mobile station according to claim 41, wherein the transmitter performs ~~is operable to perform~~ one of different HARQ methods in response to a scheduling mode employed for data transmission.

51. (Withdrawn) A radio network controller configuring at least one parameter of a HARQ retransmission protocol, the HARQ retransmission protocol being used for data transmissions by a mobile station in a mobile wireless communication system comprising the mobile station and the radio network controller, the radio network controller comprising:

a transmitter for transmitting a retransmission mode indicator in a control message to the mobile station, wherein the retransmission mode indicator indicates whether to perform a hybrid automatic repeat request method according to claim 28 or whether to perform a hybrid automatic repeat request method different therefrom.

52. (Withdrawn) A wireless communication system comprising a mobile station according to claim 41, wherein the communication system is operable to perform a HARQ protocol for transmitting data packets from the mobile station to a base station via an uplink communication channel.

53. (Withdrawn) The wireless communication network further comprising a radio network controller according to claim 51.